

**REMARKS**

Claim 1 has been amended to recite that “X” is a single bond and “A” is an oxygen atom, a sulfur atom or a sulfonyl group. Support for this amendment can be found in Examples 1, 2, and 3 of the specification.

Upon entry of the Amendment, claims 1-14 will be pending.

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schieb et al, DE 19630903 (“Schieb”).

The Examiner asserts that Schieb discloses Applicants’ claimed compound and the process for making the compound.

Applicants traverse the Examiner’s rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, “X” is a single bond and “A” is an oxygen atom, a sulfur atom, or a sulfonyl group.

Schieb discloses a phosphorous ester compound in which the group corresponding to “X” in formula (I) of the present invention is a methylene group and the group corresponding to “A” in formula (I) of the present is a  $\text{-C(CH}_3\text{)}_2\text{-}$  group. This is different from “X” and “A” in the compound of formula (I) of the present invention.

In view of the foregoing, Applicants submit that claims 1 and 2 are not anticipated by Schieb. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Spivack, U.S. Patent No. 4,351,759 ("Spivack").

The Examiner asserts that Spivack discloses Applicants' claimed compound, composition, stabilizer and the process for making the compound.

Applicants traverse the Examiner's rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, "X" is a single bond.

Spivack discloses a phosphorous ester compound in which the group corresponding to "X" in formula (I) of the present invention is  $XR^3$ , which is oxyalkylene, oxycycloalkylene, sulfuralkylene, sulfurcycloalkylene, and the like. This is different from "X" in the compound of formula (I) of the present invention. Additionally, the structure of the compound disclosed in Spivack is quite different from the structure of the compound of the present invention.

In view of the foregoing, Applicants submit that claims 1-14 are not anticipated by Spivack. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Haruna {Aspects of Stabilization with Phosphorous in Polymers, *Angewandte Makromolekulare Chemie*, 1995, 232, 119-131}.

The Examiner asserts that Haruna discloses Applicants' claimed compound and the process for making the compound.

Applicants traverse the Examiner's rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, "X" is a single bond and "A" is an oxygen atom, a sulfur atom, or a sulfonyl group.

Haruna discloses a phosphorous ester compound "A" is not an oxygen atom, a sulfur atom, or a sulfonyl group. Thus, the phosphorous ester compound disclosed in Haruna is different from the claimed phosphorous ester compound of formula (I).

In view of the foregoing, Applicants submit that claims 1-2 are not anticipated by Haruna. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-2 and 5-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Adeka Argus Chem. Co. Ltd., JP 58103537 ("JP '537").

The Examiner asserts that JP '537 discloses Applicants' claimed compound and the process for making the compound.

Applicants traverse the Examiner's rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, "A" is an oxygen atom, a sulfur atom, or a sulfonyl group.

JP '537 discloses a phosphorous ester compound in which "A" is a sulfur atom and "R<sup>2</sup>" is an alkyleneoxy group (alcohol residue) or phenyloxy group (phenol residue). This is different

from “A” in the compound of formula (I) of the present invention. Additionally, the structure of the compound disclosed in JP ‘537 is quite different from the structure of the compound of the present invention.

In view of the foregoing, Applicants submit that claims 1-2 and 5-14 are not anticipated by JP ‘537. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-2 and 5-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Haruna et al., JP 07233283 (“JP ‘283”).

The Examiner asserts that JP ‘283 discloses Applicants’ claimed compound and the process for making the compound.

Applicants traverse the Examiner’s rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, “X” is a single bond and “A” is an oxygen atom, a sulfur atom, or a sulfonyl group.

JP ‘283 discloses a phosphorous ester compound in which “R<sup>8</sup>” is an alkylene group and “A” is an alkyleneoxy group (alcohol residue) or phenyloxy group (phenol residue). This is different from “X” and “A” in the compound of formula (I) of the present invention. Additionally, the structure of the compound disclosed in JP ‘283 is quite different from that disclosed in the present invention.

In view of the foregoing, Applicants submit that claims 1-2 and 5-14 are not anticipated by JP ‘238. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Haruna et al., EP 0775723 ("EP '723").

The Examiner asserts that EP '723 discloses Applicants' claimed compound, composition, stabilizer and the process for making the compound.

Applicants traverse the Examiner's rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, "X" is a single bond and "A" is an oxygen atom, a sulfur atom, or a sulfonyl group.

EP '723 discloses a phosphorous ester compound in which "R<sup>1</sup>-CH-" is methylene or methyl methylene, and "X" is an alkylidene group. This is different from "X" and "A" in the compound of formula (I) of the present invention.

In view of the foregoing, Applicants submit that claims 1-14 are not anticipated by EP '723. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Argus Chem. Co. Ltd., JP 01121368 ("JP '368").

The Examiner asserts that JP '368 discloses Applicants' claimed compound, composition, stabilizer and the process for making the compound.

Applicants traverse the Examiner's rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, “X” is a single bond and “A” is an oxygen atom, a sulfur atom, or a sulfonyl group.

JP ‘368 discloses a phosphorous ester compound in which the group corresponding to “X” of the present invention is a sulfur atom and “A” is a sulfur atom. This is different from “X” and “A” in the compound of formula (I) of the present invention.

In view of the foregoing, Applicants submit that claims 1-14 are not anticipated by JP ‘368. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yoshitomi Pharm. Ind. KK, JP 05331180 (“JP ‘180”).

The Examiner asserts that JP ‘180 discloses Applicants’ claimed compound, composition, stabilizer and the process for making the compound.

Applicants traverse the Examiner’s rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In the phosphorous compound of formula (I) of the present invention, “X” is a single bond and “A” is an oxygen atom, a sulfur atom, or a sulfonyl group.

JP ‘180 discloses a phosphorous ester compound in which “X” is an alkylene group, –O–, –S–, –SO–, or –SO<sub>2</sub>–, and “R” is an alkylene, an alkenylene, an alkynylene, a cycloalkylene, or the like. This is different from “X” and “A” in the compound of formula (I) of the present invention.

In view of the foregoing, Applicants submit that claims 1-14 are not anticipated by JP '180. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Spivack, U.S. Patent No. 4,351,759 and Haruna et al., EP 0 775 723 A1.

To establish a *prima facie* case of obviousness, all the claim limitations must be taught or suggested by the prior art.

Neither Spivack or EP '723 alone or in combination disclose or suggest all the elements of the claimed invention.

In the phosphorous compound of formula (I) of the present invention, "X" is a single bond and "A" is an oxygen atom, a sulfur atom, or a sulfonyl group.

As discussed above, Spivack discloses a phosphorous ester compound in which the group corresponding to "X" in formula (I) of the present invention is  $XR^3$ , which is oxyalkylene, oxycycloalkylene, sulfuralkylene, sulfurcycloalkylene, and the like. This is different from "X" in the compound of formula (I) of the present invention.

EP '723 discloses a phosphorous ester compound in which " $R^1-CH-$ " is methylene or methyl methylene, and "X" is an alkylidene group. This is different from "X" and "A" in the compound of formula (I) of the present invention.

In view of the foregoing, Applicants submit the claims 1-14 would not be obvious over Spivack in view of EP '723. Reconsideration and withdrawal of the rejection is respectfully requested.

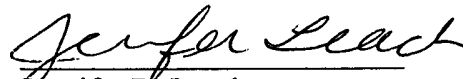
Withdrawal of all rejections and the allowance of claims 1-14 is earnestly solicited.

U.S. Appln. No.: 10/525,523  
Amendment under 37 C.F.R. § 1.111

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

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